

2A); sub-species (i) (having an internal surface that is hemispherical); and sub-sub-species (A) (having an internal diameter that is partly spherical), which read on claims 102-110, 116-130, 135, 138-139, and 143. This election is made with traverse.

The Examiner has failed to show that a different field of search would be required for the listed species, sub-species, sub-sub-species, sub-sub-sub-species and sub-sub-sub-sub-species and, for at least for this reason, has failed to establish sufficient cause for requiring the election. See MPEP 808.02. In fact, examination of all of the species and sub-species would require the same field of search. A patentability search for the embodiments disclosed in Figure 2A would be virtually if not identical to the patentability search for the embodiments disclosed in Figs. 11A-11D. Thus, examination of all of the species would impose no undue burden on the Examiner, and election/restriction for examination purposes is improper. Therefore, Applicant respectfully requests withdrawal of the election requirement and examination of all of the species on the merits.

In addition, Applicant submits that the appropriate procedure for the Examiner to follow in making an election requirement of this type is delineated in MPEP § 803.02. Should the Examiner's search fail to uncover prior art applicable to the elected Species I, Applicant assumes that the Examiner will expand the scope of his search to cover the non-elected species. To the extent that the Examiner intends to follow a different procedure, Applicant traverses on the basis that the MPEP § 803.02 procedure is the only procedure authorized by PTO policy.

PETITION FOR FIVE-MONTH TIME EXTENSION

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Action mailed on September 27, 2002 be extended for five months, up to and including March 27, 2003. Enclosed is a check in the amount of \$1970.00 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

CONCLUSION

An early and favorable action on all of the inventions delineated in the Examiner's election requirement is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

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